IN THE HIGH COURT OF JUDICATURE CHHATTISGARH AT BILASPUR

MISC APPEAL NO. 384 /2002

APPELLANT (NON APPLICANT NO.3 IN THE COURT BELOW) : National Insurance Company, Through its Branch Manager, B.L. Biswal S/o H.R. Biswal, Aged about 37 years, Branch Office: 1 Taha Complex, 1st Floor, Priyadarshini Nagar, Bilaspur (CG).

VERSUS

RESPONDENTS :

1) Smt. Mati Bai W/o Ramdev Ram, Aged about 51 years;

2) Mani Ram S/o Late Ramdev Ram, Aged about 34 years;

3) Dinesh S/o Late Ramdev Ram, Aged about 32 years;

4) Indrajit S/o Late Ramdev Ram, Aged about 30 years;

5) Sanjiv S/o Late Ramdev Ram Aged about 28 years;

All agriculturist and resident of Fattehpur, P.S.:Jay Nagar, Tehsil Ambikapur, Distt. Sarguja.

..... Respondent 1 to 5 are Applicants in thr court below.

6) Dinesh S/o Shobhit, Aged about 22 year Occupation:Driver, R/o Fattehpur, PS Jay Nagar, Tehsil:Ambikapur, Distt. Sarguja.

..... Non-applicant No.1 in the court below.

7) Shobhit S/o Sukhram, Aged about 50 years, Occupation:Agriculturist R/o Fattehpur, PS:Jay Nagar, Tehsil: Ambikapur, Distt. Sarguja.

..... Non-applicant No.2 in the court below.

P.R. No. 968/2 Presented by Shri ... dated 19.04.02

MISCELLANEIOUS APPEAL UNDER SECTION 173 OF THE MOTOR VEHICLE A C T

Claim in appeal valued at Rs 50,000/-

Court fee affixed Rs 15/-

(23)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

M.A. 384/2002

मामला क्रमांक ..... **सन्** 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	23.8.2002 Appellant by Shri P. Diwakar, Advocate. The appeal is heard finally. The appellant-Insurance Company has filed this appeal against the award dated 4.3.2002 passed by the Motor Accident Claims Tribunal, Sarguja (Ambikapur) in Claim Case No. 66/2001 whereby learned Tribunal has directed the appellant-Insurance Company and owner to pay Rs. 50,000/- towards no fault liability within a period of one month jointly or severally. The defence of the Insurance Company is that the vehicle in question was not insured and that the Development Officer who had issued the cover note was not authorized to do the same as he was suspended on 2.12.1999 and prior to that the powers were withdrawn from him to issue any cover note or to accept insurance premium. Learned Claims Tribunal has found that the accident had occurred on 9.3.2000 because of motor vehicle in which the person has died. The cover note shows that the vehicle was insured for 29.2.2000 to 28.2.2001. Learned Tribunal after considering all the aspects of the matter allowed the application filed under Section 140 of the Motor Vehicles Act, 1988 and directed the Insurance Company and owner to pay award of Rs. 50,000/- towards no fault liability jointly or severally.	

Gr.PR.

0(—50,000.

XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक.....**सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश — 2 —	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

Learned counsel for the appellant submits that the Insurance Company has already deposited Rs. 25,000/-.

Having considered the facts and circumstances and the material available on record in the opinion of this Court no case for interference in the findings recorded by the Claims Tribunal is made out. The appellant may deposit the remaining amount. The amount so deposited may be permitted to be withdrawn on furnishing security. The owner is directed to furnish indemnity bond for a sum of Rs. 50,000/-. Before parting with the order this Court make it clear that learned Tribunal shall decide the claim case on its own merits without prejudice to any of the observations made by this Court.

With the above observations this appeal is disposed of finally.

Certified copy, as per Rules.

Sd/-
Fakhruddin
Judge